



## **PLANNING COMMISSION AGENDA REPORT**

**SUBJECT:** REVIEW OF PROPOSED AMENDMENTS TO THE CITY OF SAN LUIS OBISPO MUNICIPAL CODE TITLE 6 (ANIMALS), AND TITLE 17 (ZONING REGULATIONS) TO UPDATE REGULATIONS FOR BEE KEEPING, STATE HOUSING LAW CONSISTENCY AND OTHER VARIOUS ZONING REGULATIONS AS REQUIRED FOR INTE

**PROJECT ADDRESS:** City-wide

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**FROM:** Tyler Corey, Deputy Director

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### **RECOMMENDATION**

Adopt a draft Resolution (Attachment 1) recommending the City Council introduce and adopt an Ordinance (Attachment 2) amending the City of San Luis Obispo Municipal Code Title 6 (Animals), and Title 17 (Zoning Regulations) updating regulations for bee keeping, state housing law consistency and other various zoning regulations as required for internal consistency.

### **1.0 COMMISSION'S PURVIEW**

The Planning Commission's role is to review the proposed Municipal Code amendments for consistency with the City's Housing Element and State Law, clarity, internal consistency and to make a recommendation to the City Council regarding the proposed amendments.

### **2.0 PROJECT INFORMATION**

#### **2.1 Background**

On November 17, 2020, the City Council adopted the [6th Cycle Housing Element, which includes](#) housing policies and programs for 2020-2028. Some programs in the 6<sup>th</sup> Cycle Housing Element require that city staff update the Zoning Regulations within one year of adoption to maintain consistency with the City's General Plan and state law.

The Airport Land Use Plan (ALUP) was recently amended on May 26, 2021. With the recent update of the ALUP, staff has proposed amendments to the Zoning Regulations to ensure consistency with the latest ALUP.

Additionally, after more than 18 months of implementation of the 2018 Zoning Regulations Update (GENP-0327-2017), a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the General Plan that are implemented through Zoning Regulations.

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Lastly, staff has identified one Section in Title 6 of the municipal code that requires an amendment for general clarification related to beekeeping provisions.

## **2.2 Previous Public Review**

Housing Element: In 2020, the City of San Luis Obispo, as well as the County and other cities within the County updated their Housing Elements based on the new 6th Cycle Regional Housing Needs Allocation (RHNA) requirements administered by the State of California Department of Housing and Community Development (HCD). The 6<sup>th</sup> Cycle Housing Element was updated in response to input received through 12 presentations, meetings, online surveys, and a public workshop, as well as other extensive community outreach leading up to adoption of the 6<sup>th</sup> Cycle Housing Element at the November 17, 2020, City Council Meeting. The proposed ordinance implements several of the policies and programs as prescribed in the adopted 6<sup>th</sup> Cycle Housing Element.

Other proposed revisions to the Zoning Regulations are intended for general clean-up purposes and are based upon input received from working with the community in the implementation of the 2018 Zoning Regulations.

## **3.0 PROJECT ANALYSIS**

### **3.1 Implementation of Several Programs in the 6<sup>th</sup> Cycle Housing Element Update**

The Housing Element is a state required element of the General Plan that must be updated regularly as determined by State housing law. Updating the Housing Element is a key step in the City's efforts to expand affordable housing opportunities and is required by California Government Code Sections 65580-65589.8. On November 17<sup>th</sup>, 2020, the City adopted the 6<sup>th</sup> Cycle Housing Element, which includes housing policies and programs for 2020-2028. On September 3, 2021, HCD found the City's adopted 6<sup>th</sup> Cycle Housing Element in full compliance with State Law.

With the adoption of the 6<sup>th</sup> Cycle Housing Element by the City and the state certification of compliance from HCD, several programs are required to be implemented in the City's Zoning Regulations within one-year of adoption to maintain consistency with General Plan and state law. It should be noted that there are many new or revised policies and programs in the 6<sup>th</sup> Cycle Housing Element that will require implementation over the 2020-2028 period and the proposed ordinance contains only select regulations that are considered to be directly prescribed by Housing Element program language and state law. Other policies and programs, such as the Commission's recent consideration of Objective Design Standards, and future implementation of programs pertaining to "missing middle" housing, or inclusionary housing for example, will be brought forward separately in order to provide more opportunities for wider community engagement and discussion.

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Housing Element programs that are proposed for implementation with this ordinance update include the following:

- **Program 5.5:** Update the Zoning Regulations to allow mixed-use development within Service Commercial (C-S) and Manufacturing (M) zones without a use permit within one year of the adoption of the Housing Element.
- **Program 8.18:** Review and amend the Zoning Regulations within one year of Housing Element adoption to ensure compliance with: 1) the Supportive Housing Streamlining Act (AB 2162) to allow supportive housing a use-by-right in zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed development meets specified criteria; and 2) AB 101, to allow Low Barrier Navigation Centers<sup>1</sup> by-right in all residential zones, areas zoned for mixed-uses, and nonresidential zones permitting multifamily uses.
- **Program 8.23:** To address conflicts of the City’s code and the Employee Housing Act, proposed amendments to the Zoning Regulations include: 1) An update of Table 2-1 (Refer to Attachment 2 Exhibit A) to allow Single-Unit Dwellings without a CUP within the Open Space and Conservation (C/OS) zone and allow employee housing consisting of no more than 36 beds in a group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household within the C/OS and AG zones; and 2) remove Section 17.148 (High Occupancy Residential Use Regulations), to be consistent with the intent of the Employee Housing Act (Government Code Section 17021.5 and 17021.6) and to be consistent with the Uniform Housing Code which regulates occupancy limits, as confirmed in the case of *Briseno v. City of Santa Ana*.

### 3.2 Key Revisions Related to Housing Element and State Law Requirements

This section provides a summary of amendments to the Zoning Regulations that are intended to address consistency with the updated Housing Element, specifically the programs stated above:

- 1) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow mixed-use development within the C-S and M zones without a minor use permit. Mixing residential and commercial uses is encouraged to promote housing development close to jobs and employment centers, to exploit affordable infill housing opportunities and to promote a compact, pedestrian- and transit-friendly urban structure.
- 2) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow supportive housing by-right in zones where multi-family and mixed-uses are permitted. This amendment is required to maintain consistency with AB 2162 that requires supportive housing by-right in zones where multi-family and mixed uses are permitted.

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<sup>1</sup> AB 101 defines “Low Barrier Navigation Center” as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

- 3) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow Low Barrier Navigations Centers by-right in all residential zones, areas zoned for mixed-uses, and non-residential zones permitting multifamily uses, consistent with AB 101.
- 4) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to be consistent with the Employee Housing Act and allows employee and farmworker housing by right within the C/OS and AG zones consisting of no more than 36 beds in group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household.
- 5) Section 17.86.210.E (Recreational Vehicles as Tiny Houses in Residential Zones) has been amended to clarify that Tiny Houses on Wheels are not considered a dwelling unit by the State of California and are not subject to the provisions under Government Code Section 65852.2.
- 6) Section 17.106.030 (Levels of Development Review) has been amended for consistency with the Housing Element to streamline the approval process for housing developments and clarification has been provided for projects that are exempt from development review. This section has also been amended to increase the thresholds for projects that are considered Minor, Moderate, and Major Projects.
- 7) Section 17.138.090 (Incentives) has been amended to correct an inconsistency with long-term standard procedures allowing the review authority to approve Affordable Housing Incentives rather than City Council.
- 8) Section 17.138.140 (Affordability Restrictions) has been amended to adjust the number of years for ownership and rental deed restricted affordable housing for consistency with state law.
- 9) Section 17.138.160 (Early Resale of Shared Equity Properties) is amended to correct language to provide consistency with Table 8-1: Percent of Equity Build-up Recaptured. The previous language was incorrect by stating recapture fees only apply within six years, but the table states within seven. The language now reads that recapture fees apply within 7 years, as reflected in the table.
- 10) Section 17.140.040 (Standard Incentives for Housing Projects) has been amended to be consistent with Assembly Bill 2345 (“AB 2345”). For more than forty years, California’s Density Bonus Law (Government Code Section 65915 *et seq.*) has been a mechanism to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from or relaxation to other development standards. Effective as of January 1, 2021, AB 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components.

- 11) Sections 17.140.060 (Standard Incentives for Conversion of Apartments to Condominium Projects) and 17.140.070 (Alternative or Additional Incentives) are amended for internal consistency. These amendments are required to be consistent with Table 6-1: Review Authority by referring approval to the applicable review authority, rather than the inconsistent references to Planning Commission or City Council.
- 12) Removed Chapter 17.146 (Residential Occupancy Standards). This section was identified to be inconsistent with the Uniform Housing Code, which regulates occupancy limits and restricts the ability of local agencies to impose more restrictive requirements.
- 13) Removed Chapter 17.148 (High Occupancy Residential Use Regulations). This section was removed for consistency with Housing Element Program 8.23 and was also identified to be inconsistent with the Uniform Housing Code.

### **3.3 Airport Land Use Update**

The San Luis Obispo County Regional Airport (SBP) ALUP was officially amended and restated May 26, 2021. As a result, in accordance with the State Aeronautics Act, the City must update regulations within 180 days to maintain consistency with this plan. The proposed ordinance has been referred to the County's Airport Land Use Commission and will be effective upon its findings for consistency.

Key revisions made to the Zoning Regulations, because of the updated ALUP, are as follows:

- 1) Section 17.20.020 (Table 2-8: R-3 Zone Development Standards) has been amended to remove density restrictions for properties within the Airport Safety Zones, as the updated ALUP now provides for additional residential density that can accommodate the standard density provided for in R-3 zoned areas which are within ALUP boundaries.
- 2) Removed the Airport Overlay Zone (Chapter 17.64). The Airport Overlay Zone (AOZ) Chapter was added to the Zoning Regulations since the City overruled the Airport Land Use Commission's determination the Land Use and Circulation update of 2014 was not consistent with the ALUP in effect at the time. With the updated ALUP now in effect, the City is able to be in conformance with the ALUP and the AOZ Chapter needs to be removed since it would not be consistent with the updated ALUP and is no longer necessary.
- 3) New Section 17.70.020 (Airport Land Use Plan Consistency) has been added to note the requirement that all projects within the Airport Influence Area (AIA) (Refer to Attachment 2 Exhibit B) boundaries shall be consistent with the ALUP update.
- 4) Section 17.10.020.D (Airport Land Use Plan and Airport Overlay Zone) has been amended to include language to clarify that projects within existing Specific Plans subject to the AIA are recognized as existing development in the County's 2021 ALUP and continue to be in effect.

### 3.4. Miscellaneous Changes to Zoning Regulations (Title 17)

After more than 18 months of implementation of the 2018 Zoning Regulations Update, and additional updates since, pertaining to Accessory Dwelling Units, as well as a recognition of refinements needed with changing business operations during the COVID-19 pandemic, a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the General Plan.

#### Uses Allowed by Zone (Table 2-1)

As discussed above, several amendments are proposed to address the Housing Element Update in addition to general cleanup revisions to Table 2: Uses Allowed by Zone. Below is a summary of the changes to Table 2-1 that have also been provided in Attachment 2, Exhibit A:

- 1) **Homeless Shelter**: amended to be allowed by-right in all zones that allow multi-unit and mixed-use developments for consistency with AB 101.
- 2) **Boarding House**: removal of reference to Chapter 17.146.
- 3) **Fraternalities and Sororities**: add reference to Section 17.86.130.
- 4) **High Occupancy Residential Use**: removed in its entirety.
- 5) **Supportive and/or Transitional Housing, with On or Off-Site Services**: amended to be allowed by-right in all zones that allow multi-unit and mixed-use developments for consistency with AB 101.
- 6) **Farmworker Housing**: new land use added and provided as allowed by right in the AG and C/OS zones.
- 7) **Mixed-Use Development**: amended to be allowed by right in the C-S and M zones.
- 8) **Commercial Recreation – Large Scale**: amend reference in PF zone to be Conditional Use Permit (CUP) instead of PC which is an old reference.
- 9) **Bars, Live Entertainment, and Taverns**: remove reference to Live Entertainment which is now a separate land use, and update Section reference from 17.86.030 to 17.86.050.
- 10) **Medical and Dental Offices**: change from Minor Use Permit (MUP) to Allowed (A) to be allowed by right in the Community Commercial (C-C) zone.
- 11) **Theaters**: amend reference in PF zone to be CUP instead of PC which is an old reference.
- 12) **Service Stations**: amend Section reference to include Section 17.86.060.
- 13) **Cannabis – Microbusiness**: change to add CUP required for C-R zone instead of C-D zone which was an edit made in error.
- 14) **Cannabis – Retailer (Storefront)**: change to add CUP required for C-R zone instead of C-D zone which was an edit made in error.

- 15) **Nightclubs and Live Entertainment:** add new land use classification to require MUP in the C-C, C-D, C-T, C-S, M zones.
- 16) **Safe Parking:** amend reference in R-1, R-2, R-3, and R-4 zones to be CUP instead of PC which is an old reference.

### **Accessory Dwelling Units**

Since adoption of the City's Accessory Dwelling Unit (ADU) ordinance on March 3, 2020, staff has identified clean up and organization items that will improve ambiguities of the existing language and provide greater clarification for the development of ADU's (Section 17.86.020). The proposed changes are summarized below:

- 1) Clarification of what zones ADU's are permitted (AG, C/OS, R-1, R-2, R-3, R-4, or O [Office] zone) on lots with an existing or proposed residential structure.
- 2) Allowing the Director to authorize an exception to square footage standards for an ADU of up to 1,200 square feet, through Director's Action process. For R-1 zones this is only applicable for lots that are at least 12,000 square feet in area.
- 3) Provided additional design options for ADUs that involve the creation of new square footage by allowing up to twenty-five feet in height if constructed above an existing garage, or if consistent with setback standards provided in Article 2 of Title 17.
- 4) Increasing the minimum setback for a balcony or terrace to 10 feet from adjacent property lines. Upper level private or common open space areas, as accessory to an ADU shall not exceed 50 square feet, and roof decks and rooftop open spaces are prohibited.
- 5) ADUs that are consistent with Government Code Section 65852.2(e) will also receive ministerial approval.
- 6) Clarification of the sixty-day timeline under "Procedure Requirements."
- 7) Requiring building permit applications for ADUs on lots with existing primary dwelling unit(s) to not include changes or improvements to those existing structures unless those improvements are required to facilitate the creation of the ADU.
- 8) Requiring Junior Accessory Dwelling Unit (JADU) conversions to provide replacement parking when converting a garage. Parking must be consistent with Sections 17.70.170 (Setbacks) and 17.76.040 (Front Yard Parking) without setback exceptions to accommodate replacement parking.
- 9) Clarification of when JADU's are allowed in relation to when there is an existing attached or detached ADU.
- 10) The Guest Quarters section has also been amended to address consistency with changes to ADUs and JADUs. The review process for Guest Quarters has also been decreased from discretionary review to ministerial review to streamline the review process.

The purpose of these changes is to continue to allow efficient processing of ADUs, while still providing an element of privacy for neighbors. Staff has determined that allowing height exceptions for the development of ADUs above garages, while still requiring specific setbacks for those units, provides additional options to those who would like to develop ADUs, while still providing a sense of privacy for their neighbors. Additionally, staff has determined that applicants who can meet these requirements can still have their permits processed within the sixty-day timeline enforced by HCD and be ministerially approved. The goal of these changes is to provide consistency with state law, while maintaining privacy for neighbors.

**Parking Requirements**

Staff has recognized the need for additional changes to the City's parking requirements. Changes relevant to parking are summarized below:

- 1) Sections 17.16.020; 17.18.020; 17.20.020; 17.22.020; 17.24.020 (Development Review Standards) have been amended to clarify restrictions for front yard parking setbacks for R-1, R-2, R-3, R-4, and O (Office) zones, with cross reference to Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited) for internal consistency.
- 2) Section 17.26.030 (Additional Regulations) has been amended to provide cross reference to parking requirements for the C-N zone under Section 17.72.030.C (Required Parking).
- 3) Section 17.32.030 (Additional Regulations) has been amended to provide cross reference to parking requirements for the C-D zone under Section 17.72.030.D (Required Parking).
- 4) Section 17.72.020.C (Parking Calculations) has been amended to provide clarifications regarding parking for new accessory uses, such as tasting rooms and breweries. If a primary use includes an accessory use that generates higher parking requirements than the primary use, the Director may require that the accessory activity provide parking in accordance with Table 3-4 (Parking Requirements by Use) in addition to the parking required for the primary use.
- 5) Section 17.72.030 (Table 3-4: Parking Requirements by Use) has been amended to remove reference to Handicraft Manufacturing, provide clarification for Religious Facilities, and Food Preparation uses.
- 6) Section 17.72.050 (Parking Reductions) has been amended to provide clarification for Bicycle and Motorcycle Parking Reduction Rates to allow reductions of vehicle parking up to 10 percent without the requirement of a Parking Demand Study. Section 17.72.060 (Nonresidential Additions and Reconstruction) has been amended to provide clarification and flexibility for minor modifications to existing structures.
- 7) Section 17.72.070 (Applicability) has been amended to remove exemptions for single family residences and nonresidential developments of less than 2,500 square feet.



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- 8) Section 17.76.040 (Front Yard Parking) has been amended to bring back Legal Non-Conforming Front Yard Parking, which was previously omitted from the 2018 Zoning Regulations Update.

**Removal of Table 6-1: Review Authority**

Section 17.102.020 (Table 6-1: Review Authority) has been removed for consistency within Title 17 of the Municipal Code. Staff identified that Table 6-1 was unnecessary as it was only provided as a summary of different review thresholds throughout the Zoning Regulations, and this table is better served as a separate independent summary document for staff and the public to understand the thresholds of review for various entitlements identified in the Zoning Regulations.

**Zoning Regulations - General and Miscellaneous Changes**

Other revisions made to the Zoning Regulations are as follows:

- 1) Section 17.06.020.D (Table 1-1: Zones Established) add the Business Park (BP) zone and remove the Airport Overlay (AO) reference.
- 2) Sections 17.16.020 and 17.18.020 (Development Standards) have been amended to provide clarification for minimum setbacks for corner lots.
- 3) Section 17.24.020 (Table 2-12) has been amended to provide clarification of minimum density thresholds.
- 4) Article 3 (Regulations and Standards Applicable to All Zones) has been amended to relabel Figure references and cross references to the now removed Chapter 17.64.
- 5) Section 17.70.040 (Density) has been amended to clarify that density is calculated based on net area of a property.
- 6) Section 17.70.040.A.2.a (Table 3-1: Maximum Residential Density for Cross-Slope Categories) has been corrected for R-3 zones in slopes that range from 16-20% and 21-25% to be consistent with the other zones based on standard density thresholds.
- 7) Section 17.70.050 (Table 3-2: Edge Condition Zones) the BP zone has been added, which was previously missing.
- 8) Section 17.70.070.C.3 (Driveway Gates) has been amended to provide cross reference to Municipal Code Section 12.38.040 (Parking Driveway Standards) for vehicle maneuverability requirements.
- 9) Section 17.70.130.D.1.a (Ground Floor Limitations) has been amended to be quantified as an objective standard, existing language was not consistent with the Housing Accountability Act.
- 10) Section 17.70.130 (All Other Zones that Allow Mixed Use Projects) has been amended to extend the hours of operation for businesses in a mixed-use building from 8:00 PM to 10:00 PM to be consistent with the City's Noise Ordinance.

- 11) Section 17.70.150 (Rooftop Uses) has been amended to differentiate between language in Section 17.76.090 (Rooftop Uses), clarification has been provided regarding cross reference to Section 17.70.080 (Height Measurement and Exceptions).
- 12) Section 17.70.170.C.6 (Mechanical Equipment) has been amended to provide clarification regarding ground mounted equipment within required setbacks.
- 13) Section 17.70.200.D (Maintenance) has been amended to include language regarding maintenance of solid waste containers.
- 14) Section 17.72.050 (Parking Reductions) has been corrected for grammar.
- 15) Section 17.72.090 (Residential Uses) has been corrected for grammar.
- 16) Section 17.76.060 (Trash Receptacles) was amended for grammar and to provide clarification to the different standards for containers within the C-D zone to be removed before 10:00 AM, to reflect current practices and requirements for properties within the Downtown Association boundary.
- 17) Section 17.76.090 (Rooftop Uses) was retitled to “Roofs” and amended to differentiate between the duplicate Section 17.70.150 (Rooftop Uses).
- 18) Section 17.76.100 was amended to remove language from Screening of Visible Storage and Maintenance. Screened objects no longer need to be below a solid six-foot-high fence, but only behind the fence to be considered screened.
- 19) Section 17.76.100.A (Screening of Visible Storage and Maintenance) was amended to clarify that 6-foot fencing qualifies as screening.
- 20) Section 17.76.100.A.4.f (Exceptions) was amended to provide greater clarification between outdoor furniture and recreational furniture.
- 21) Section 17.86.050 (Alcoholic Beverage sales – Bars, Live Entertainment, Late Night Alcohol Service) has been relabeled to “Alcoholic Beverage Sales – Bars and Restaurants with Late Night Alcohol Service”, with amendments to provide clarification on Use Permit requirements, and clarification regarding live entertainment.
- 22) Section 17.86.100.D (Day Care as an Accessory Use) has been relocated under Section 17.86.100.B (Permits Required) as new subsection 4 to provide clarification for permit requirements for Day Care facilities that are accessory to other approved uses.
- 23) Section 17.86.110 (Electronic Game Amusement Centers) has been removed as staff identified that regulations surrounding the development and location of Electronic Game Amusement Centers were outdated and inconsistent with the purpose of the City’s Zoning Regulations. Electronic Game Amusement Centers licensing requirements will remain in effect in Municipal Code Title 5.

- 24) Section 17.86.120 (Duration and Hours of Operation) has been relabeled as “Hours of Operation” in light of the impacts that COVID-19 has created, and with new and creative dining opportunities being presented, it was inconsistent to restrict a food truck from providing service for a certain number of days in a specific location.
- 25) Section 17.86.160 (Performance Standards) has been amended for clarification of terms and restrictions of homestay uses within recreational vehicles and ADUs.
- 26) Section 17.86.260.B.5 (Other Temporary and Intermittent Uses and Special Events) has been corrected for grammar.
- 27) Added language to Section 17.86.290 under Exempt Facilities for Wireless Telecommunications Facilities.
- 28) Section 17.92.020 (Limits on Reconstruction – Exceptions) has been amended to provide greater clarification and organization of standards applicable to nonconforming structures.
- 29) Article 6 (Permit Procedures) has been amended to remove all references to the now removed Table 6-1 (Review Authority).
- 30) Section 17.102.020.A.1 (Affordable Housing Incentives) has been amended to provide reference to alternative or additional incentives.
- 31) Section 17.106.040 (Recommendations from Advisory Bodies) has been amended to provide greater clarification on applicable review authorities for moderate and major projects.
- 32) Section 17.108.020 (Applicability) has been removed for the same reason Table 6-1 was removed, as this section provided an incomplete list of projects which are better listed as a separate independent reference document.
- 33) Section 17.108.040 (Required Findings) subsection 4 has been amended to clarify conflicting terminology.
- 34) Section 17.109.020 (Applicability) has been removed for consistency with Chapter 17.108 (Director’s Action).
- 35) Section 17.110.070 (Required Findings) subsection A.2 has been amended to provide clarification to be inclusive of uses that are conditionally allowed, per Table 2-1: Uses Allowed by Zone.
- 36) Section 17.110.080 (Requirement for and Compliance with Use Permits) has been amended to remove language that requires additional use permits for properties occupied by conditionally allowed use. This language is inconsistent with processes and procedures by the City and was determined to be an unnecessary obstacle for businesses that are typically allowed by-right.
- 37) Section 17.113.010.B (Applicability) subsection B.3 has been amended to provide internal consistency adding reference to Section 17.86.190.C (Garage and Yard Sales).
- 38) Section 17.120.020.B (Duties and Authority) subsection B.2 has been amended to revise language referring to the previous Table 6-1.

- 39) Chapter 17.120 (Administrative Responsibility) has been amended to include a new Section 17.120.045 (Cultural Heritage Committee) to address the applicability of the Cultural Heritage Committee's responsibility under the Zoning Regulations.
- 40) Section 17.120.050.C (Compliance) has been amended to revise language referring to the previous Table 6-1.
- 41) Chapter 17.124 (Amendments – Zoning Regulations and Zoning Map) has been amended to include a new Section 17.124.050 (Other requirements). This section which previously existed before the 2018 Zoning Regulations Update addresses procedures for pre-zoning and adoption of urgency interim regulations.
- 42) Section 17.154.004 (Organization) subsections B and C have been re-organized to be in proper order, and subsection C has been amended to remove reference to Airport Overlay land uses and has been revised to address land use definitions prior to the 2018 Zoning Regulations Update for consistency with land use classifications within existing Specific Plans and Area Plans.
- 43) Section 17.156.004 (Agricultural Accessory Structure) has been amended to include produce stands.
- 44) Section 17.156.006 (Boarding House) has been amended to address residential occupancy thresholds for internal consistency.
- 45) Section 17.156.012 (Eating and Drinking Establishments – Bars, Live Entertainment, and Taverns) has been amended to remove Live Entertainment which is now separately defined.
- 46) Section 17.156.014 (Farmworker Housing) provides a new definition for Farmworker Housing to be consistent with State Law and Table 2-1 (Uses Allowed by Zone).
- 47) Section 17.156.018 (Handicraft Manufacturing) has been removed as it is no longer a land use under Table 2-1 (Uses Allowed by Zone).
- 48) Section 17.156.018 (High-Occupancy Residential Use) and (High-Occupancy Residential Use), has been amended to remove duplicate definitions and to ensure consistency with the removal of Chapter 17.144.
- 49) Section 17.156.020 (Instructional Services) has been amended for clarification of terminology.
- 50) Section 17.156.026 (Live Entertainment) and (Low Barrier Navigation Centers) has been amended to add new definitions for Live Entertainment and Low Barrier Navigation Centers.
- 51) Section 17.156.028 (Maintenance and Repair Services) has been amended to address previous definition of Client Site Services.
- 52) Section 17.156.028 (Multi-Unit Dwellings) has been amended to clarify terminology regarding Accessory Dwelling Units.
- 53) Section 17.156.030 (Nightclubs) has been amended to reference new definition of Live Entertainment.

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- 54) Section 17.156.044 (Vacation Rentals) has been amended to include recreational vehicles.
- 55) Section 17.158.008 (Bedroom) has been amended to include clarification regarding Junior Accessory Dwelling Units.
- 56) Section 17.158.008 (Bicycle Parking Space) has been added as a new definition for clarification, new definitions have also been added for (Alternative Bicycle), (Long-term Bicycle Parking), and (Short-term Bicycle Parking).
- 57) Section 17.158.018 (Guest Quarters) has been amended to clarify qualifications for spaces which may be defined as a Guest Quarters.
- 58) Section 17.158.022 (Intermittent use) has been amended to increase the duration per year from 90 days to 120 days.
- 59) Section 17.158.028 (Landscape Area) has been added as a new definition for internal consistency.
- 60) Section 17.158.034 (Outdoor Furniture) has been added as a new definition for internal consistency and clarification on terminology.
- 61) Section 17.158.036 (Patio) and (Porch) have been added as a new definition for internal consistency and clarification of terminology.
- 62) Chapter 17.160 (Airport Overlay Zone Land Use Definitions) has been retitled (Previous Land Use Definitions).

### **3.5 Proposed Changes to Title 6 (Animals)**

Due to interest expressed by staff and the City Council during the meeting of July 20, 2021, concerning available areas for limited bee keeping activities, and due to the importance of honey bees for pollination in domestic agriculture, Section 6.28.070 entitled “Bees Prohibited” is proposed to be amended to allow for bee keeping for agricultural purposes within a Conservation/Open Space or Agricultural zoning district, along with the existing allowance for the purpose of study and observation in a hive or box within a school building.

## **4.0 ENVIRONMENTAL REVIEW**

The proposed amendments to the Municipal Code Title 6 and Title 17 have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the state CEQA Guidelines, and the environmental regulations of the City. Specifically, the proposed amendments have been determined to be exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption, because the proposed actions will have no possibility of a significant effect on the environment and will not cause impacts. In this case, minor amendments to streamline the development review process by allowing supportive and employee housing in expanded districts, to reduce the number of public hearings required for housing projects and to expand districts to allow mixed use projects, are consistent with State Law requirements and the City’s 6<sup>th</sup> Cycle Housing Element and will not have a significant effect and project specific environmental review will be required;

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Additionally, minor amendments to regulations in Chapter 17.64 and Sections 17.10.020.D and 17.70.020 require continued referral of certain projects to the San Luis Obispo County Airport Land Use Commission and clarify existing procedure and will not cause significant effects or cause impacts; further, the minor amendments throughout Title 17 are included to provide for grammatic correction, clarity, comprehensibility and internal and procedural consistency and are not anticipated to have a significant effect on the environment or cause impacts. And lastly, minor amendments to Title 6 to add limited provision for the keeping of bees for agricultural purposes on lands zoned Agriculture or Conservation/Open Space is not anticipated to cause a significant effect on the environment or cause impacts.

## **5.0 OTHER DEPARTMENT COMMENTS**

Staff comments have been incorporated into the proposed changes to Titles 6 and 17. In addition, the Utilities and Public Works departments have provided input regarding clean up amendments.

## **6.0 ATTACHMENTS**

A - Planning Commission Resolution

B - Draft City Council Ordinance

C - Exhibit A Section 17.10,020 Table 2-1 Uses Allowed by Zone

D - Exhibit B San Luis Obispo County Airport Land Use Plan Map